

House File 2092 - Introduced

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BY GAYMAN

A BILL FOR

1 An Act modifying the definition of a hate crime, and providing
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 729A.2, Code 2009, is amended to read as
2 follows:

3 **729A.2 Violation of individual rights — hate crime.**

4 1. "*Hate crime*" means one of the following public offenses
5 when committed against a person or a person's property because
6 of the person's race, color, religion, ancestry, national
7 origin, housing status, political affiliation, sex, sexual
8 orientation, age, or disability, or the person's association
9 with a person of a certain race, color, religion, ancestry,
10 national origin, housing status, political affiliation, sex,
11 sexual orientation, age, or disability:

12 ~~1.~~ a. Assault in violation of individual rights under
13 section 708.2C.

14 ~~2.~~ b. Violations of individual rights under section 712.9.

15 ~~3.~~ c. Criminal mischief in violation of individual rights
16 under section 716.6A.

17 ~~4.~~ d. Trespass in violation of individual rights under
18 section 716.8, subsections 3 and 4.

19 2. As used in this section, "*housing status*" means a
20 circumstance whereby a person lacks a fixed, regular, and
21 adequate nighttime residence and who has a primary nighttime
22 residence that is one of the following:

23 a. A supervised publicly or privately operated shelter
24 designed to provide temporary living accommodations.

25 b. An institution that provides a temporary residence for
26 persons intended to be institutionalized.

27 c. A public or private place not designed for, or ordinarily
28 used as, a regular sleeping accommodation for human beings.

29 EXPLANATION

30 This bill modifies the definition of a hate crime. The
31 bill adds a person's housing status to the list of reasons
32 used to elevate the penalties for assault in violation of
33 individual rights under Code section 708.2C, criminal mischief
34 in violation of individual rights under Code section 716.6A,
35 trespass in violation of individual rights under Code section

1 716.8(3) and (4), and other violations of individual rights
2 under Code section 712.9.

3 The bill defines "housing status" to mean a circumstance
4 whereby a person lacks a fixed, regular, and adequate nighttime
5 residence and who has a primary nighttime residence that is a
6 publicly or privately operated shelter, a temporary residence
7 for persons intended to be institutionalized, or a public
8 or private place not designed for, or ordinarily used as, a
9 regular sleeping accommodation for human beings.

10 Commission of a crime classified as a hate crime shall be
11 punished as an offense one degree higher than the underlying
12 offense under current provisions and the bill.